

# CLAYTON UTZ

Our Reference:  
Chris Edwards:JAL:60001001  
Solicitor

Lawyers  
BankWest Tower  
108 St George's Terrace  
Perth WA 6000  
Australia

GPO Box P1214  
Perth WA 6001

Ph 61 (0)8 9426 8000  
Fax 61 (0)8 9481 3095

Sydney · Melbourne  
Brisbane · Perth  
Canberra · Darwin

5 June 2001

## PRIVATE AND CONFIDENTIAL

Mr Mark Dwyer  
Corrs Chambers Westgarth  
GPO Box 9925  
PERTH WA 6001

Dear Sir

PAUL VAN SAARLOOS

We refer to our letter of 24 May 2001.

We enclose herewith an Assignment and Power of Attorney documentation in relation to a patent application titled "Limited Coherence Stereo Ophthalmoscope" for your client's completion. We are instructed that the documents are of a kind that have been previously executed by your client without comment. You will have noted that your client's employment contract clearly states that the ownership of such intellectual property is to rest with our client.

We also note that your client has failed to execute and return documents previously forwarded in relations to patents for the "Z-Axis Tracker" and "Improved Apparatus and Procedure for Ultraviolet Laser Ablation".

Kindly ensure that your client completes all documentation and returns it to us without delay. You will appreciate that any delay by your client in returning the completed documentation to us has the capacity to cause our client loss, and we put you on notice that our client reserves its rights to claim against your client for such loss should your client fail to adhere to his contractual obligations.

Yours faithfully

*Clayton UTZ*  
CLAYTON UTZ

Encl.

# Freehills

Carter Smith Beadle

11 July 2001

Our ref M40463811:GJN  
Phone 03 9288 1578  
Email greg\_noonan@freehills.com.au

**BY COURIER**

Doc no Melbourne 003851652

Ms Jeanette Butler  
The Lions Eye Institute of Western  
Australia Incorporated  
Ground Floor  
2 Verdun Street  
NEDLANDS WA 6009

**URGENT**

Dear Jeanette

**The Lions Eye Institute of Western Australia Incorporated  
United States and Canadian patent applications  
involving Paul Van Saarloos**

I enclose fresh forms for urgent execution by Paul Van Saarloos.

The US "z-axis tracker" forms **must** be filed by **28 July 2001**. Please urgently arrange for at least these forms to be executed and returned by courier to us by, say, next **Wednesday 18 July** at the latest.

I have corrected Paul's address and revised the assignments to refer specifically to the US and Canada only, as discussed.

Yours sincerely  
Freehills Carter Smith Beadle

Greg Noonan  
Partner

Enc.

**Patent & Trademark Attorneys**

101 Collins Street Melbourne Vic 3000 Australia Telephone 61 3 9288 1577 Facsimile 61 3 9288 1567  
GPO Box 128A Melbourne Vic 3001 Australia www.fcsb.com.au

Offices in SYDNEY MELBOURNE Registered Patent Attorneys in Australia & New Zealand

27 p. 003851652

FREEHILLS MELB 3 61 92881567

26 JUL 2001 18:15

## ASSIGNMENT

IN CONSIDERATION of the sum of One Dollar (\$1.00), and other good and valuable consideration, receipt of which is hereby acknowledged,

Paul Phillip Van Saarloos of 14 Dunster Street, Karrinyup, Western Australia 6018, Australia

**HEREBY SELL ASSIGN AND TRANSFER to:**

The Lions Eye Institute of Western Australia Incorporated of 2nd Floor, 2 Verdun Street, Nedlands, Western Australia 6009, Australia

its successors, assigns and legal representatives the entire right, title and interest for the United States, in and to any and all improvements which are disclosed in the application for United States Letters Patent and is entitled

"Z Axis Tracker"

which application was executed by the undersigned on the \_\_\_\_\_ day of \_\_\_\_\_ and in and to any said application and all divisional, continuations, substitute, renewal, reissue, and all other applications for Letters Patent which have been or shall be filed in the United States on any of said improvements, and in and to all original and reissued patents which have been or shall be issued in the United States on said improvements and the right to all benefits under the International Convention for the Protection of Industrial Property.

It is hereby authorised and request that the Commissioner of Patents and Trademarks issue any and all said Letters Patent, when granted to said Assignee.

Further it is agreed that when requested, without charge to and at the expense of said Assignee, its successors, assigns and legal representatives, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all said improvements, execute all rightful oaths, assignments, powers of attorney and other papers; communicate to said Assignee, its successors, assigns and representatives, all facts known to the undersigned relating to said improvements and the history thereof; and generally do everything possible which said Assignee, its successors, assigns or representatives shall consider desirable for aiding in securing and maintaining proper patent protection for said improvements and for vesting title to said improvements and all applications for patents and on all patents on said improvements, in said Assignee, its successors, and legal representatives.

We covenant with said Assignee, its successors, assigns and legal representatives that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by the undersigned, and that full right to convey the same as herein expressed is possessed by the undersigned.

**SIGNED at**

this \_\_\_\_\_ day of \_\_\_\_\_

2001

\_\_\_\_\_  
Paul Phillip Van Saarloos

\_\_\_\_\_  
Witness Signature

Name:

COMBINED DECLARATION  
AND POWER OF ATTORNEY

(Original, Design, National Stage of PCT, Divisional, Continuation or C-I-P Application)

I, a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name; I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

My declaration is of the following type:

- ☐ original
- ☐ design
- ☒ national stage of PCT.
- ☐ divisional
- ☐ continuation
- ☐ continuation-in-part (C-I-P)

A specification of which: (complete (a), (b), or (c))

- ☐ is attached hereto.
- ☒ was filed on <sup>15</sup> December 2000 as Application Serial No. 09/719,726 and was amended on (if applicable).
- ☐ was described and claimed in PCT International Application No. filed on and was amended on (if applicable).

Acknowledgement of Review of Papers and Duty of Candor

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of the subject matter claimed in this application in accordance with Title 37, Code of Federal Regulations § 1.56.

☐ In compliance with this duty there is attached an information disclosure statement, 37 CFR 1.98.

Priority Claim

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate or of any PCT International Application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT International Application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application on which priority is claimed

(complete (d) or (e))

- ☐ no such applications have been filed.
- ☒ such applications have been filed as follows:

FOR FOREIGN/PCT APPLICATION(S) FILED WITHIN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO SAID APPLICATION			
COUNTRY	APPLICATION NO.	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
			PRIORITY CLAIMED UNDER 35 USC 119 [ ] YES [ ] NO [ ]
			[ ] YES [ ] NO [ ]
			[ ] YES [ ] NO [ ]
FOR FOREIGN APPLICATION(S), IF ANY, FILED MORE THAN 12 MONTHS (6 MONTHS FOR DESIGN) PRIOR TO SAID APPLICATION			
AUSTRALIA	PP4202	17/06/1998	[X] YES [ ] NO [ ]
AUSTRALIA	PCT/AU99/00479	17/06/1999	[X] YES [ ] NO [ ]
			[ ] YES [ ] NO [ ]

**Claim for Benefit of Prior U.S. Provisional Application(s)**

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

Provisional Application Number	Filing Date

**Claim for Benefit of Earlier U.S./PCT Application(s) under 35 U.S.C. 120**

*(complete this part only if this is a divisional, continuation or C-I-P application)*

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application(s) in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information as defined in Title 37, Code of Federal Regulations, § 1.56 which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
-------------------------	---------------	---

Application Serial No.)	(Filing Date)	(Status) (patented, pending, abandoned)
-------------------------	---------------	---

**Power of Attorney**

I, the undersigned inventor, hereby appoint Dana M. Raymond, Reg. No. 18,540; Frederick C. Carver, Reg. No. 17,021; Francis J. Hoyer, Reg. No. 18,662; Joseph D. Garon, Reg. No. 20,420; Arthur S. Tenser, Reg. No. 18,839; Ronald B. Hildreth, Reg. No. 19,498; Thomas R. Sibert, Jr., Reg. No. 22,075; Robert Neuner, Reg. No. 24,316; Richard G. Berkley, Reg. No. 25,465; Richard S. Clark, Reg. No. 26,154; Dudley B. Geist, Reg. No. 27,551; James J. Maune, Reg. No. 26,946; John D. Mumane, Reg. No. 29,836; Henry Tang, Reg. No. 29,705; Bert C. Scheinfeld, Reg. No. 31,300; John A. Fogarty, Jr., Reg. No. 22,348; Louis S. Sorell, Reg. No. 32,439 and Rochelle K. Seidenberg, Reg. No. 32,300 of the firm of BAKER & BOTTS, L.L.P., with offices at 30 Rockefeller Plaza, New York, New York 10112, as attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

<b>SEND CORRESPONDENCE TO:</b> BAKER & BOTTS, L.L.P. 30 ROCKEFELLER PLAZA, NEW YORK, N.Y. 10112 CUSTOMER NUMBER: 21003	<b>DIRECT TELEPHONE CALLS TO:</b> BAKER & BOTTS, L.L.P. (212) 705-5000
---	--

I hereby declare that all statements made herein of my own knowledge are true and that all statements made of information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section

1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF SOLE OR FIRST INVENTOR	LAST NAME VAN SAARLOOS	FIRST NAME PAUL	MIDDLE NAME PHILLIP
RESIDENCE & CITIZENSHIP AUSTRALIA	CITY KARRINYUP	STATE or FOREIGN COUNTRY WESTERN AUSTRALIA	COUNTRY OF CITIZENSHIP NEW ZEALAND
POST OFFICE ADDRESS	POST OFFICE ADDRESS 14 DUNSTER STREET	CITY KARRINYUP	STATE or COUNTRY W.A.
DATE	SIGNATURE OF INVENTOR		
FULL NAME OF SECOND JOINT INVENTOR, IF ANY	LAST NAME	FIRST NAME	MIDDLE NAME
RESIDENCE & CITIZENSHIP	CITY	STATE or FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE or COUNTRY
DATE	SIGNATURE OF INVENTOR		
FULL NAME OF THIRD JOINT INVENTOR, IF ANY	LAST NAME	FIRST NAME	MIDDLE NAME
RESIDENCE & CITIZENSHIP	CITY	STATE or FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE or COUNTRY
DATE	SIGNATURE OF INVENTOR		
FULL NAME OF FOURTH JOINT INVENTOR, IF ANY	LAST NAME	FIRST NAME	MIDDLE NAME
RESIDENCE & CITIZENSHIP	CITY	STATE or FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE or COUNTRY
DATE	SIGNATURE OF INVENTOR		
FULL NAME OF FIFTH JOINT INVENTOR, IF ANY	LAST NAME	FIRST NAME	MIDDLE NAME
RESIDENCE & CITIZENSHIP	CITY	STATE or FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE or COUNTRY
DATE	SIGNATURE OF INVENTOR		
FULL NAME OF SIXTH JOINT INVENTOR, IF ANY	LAST NAME	FIRST NAME	MIDDLE NAME
RESIDENCE & CITIZENSHIP	CITY	STATE or FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE or COUNTRY
DATE	SIGNATURE OF INVENTOR		

FULL NAME OF SEVENTH JOINT INVENTOR, IF ANY	LAST NAME	FIRST NAME	MIDDLE NAME
RESIDENCE & CITIZENSHIP	CITY	STATE or FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
POST OFFICE ADDRESS	POST OFFICE ADDRESS	CITY	STATE or COUNTRY ZIP CODE
DATE	SIGNATURE OF INVENTOR		

Check proper box(es) for any added page(s) forming a part of this declaration

- ☐ Signature for ninth and subsequent joint inventors. Number of pages added \_\_\_\_\_
- ☐ Signature by administrator(trix), executor(trix) or legal representative for deceased or incapacitated inventor.  
Number of pages added \_\_\_\_\_
- ☐ Signature for inventor who refuses to sign, or cannot be reached, by person authorized under 37 CFR 1.47.  
Number of pages added \_\_\_\_\_